

FAIR HEARINGS APPEAL PROCESS FOR FOSTER HOME PLACEMENT CHANGES QUICK REFERENCE GUIDE

What is a Placement Change?

The Child and Family Services Agency (CFSA) or its contracted agencies (collectively referred to herein as the "Agency") may periodically make a clinical determination that it is in the best interest of a child to change his or her foster home placement. If such a determination is made, the Agency follows a process based on CFSA policy for notifying the foster parents prior to effecting such a change.

What is the notification process for a placement change?

After a clinical justification has been made for a placement change, Agency staff **must** provide written notification to the foster parents, parents, and Guardian Ad Litem (GAL) at least ten **(10)** business days **before** the proposed change in placement date. Notification must also include the right of the foster parents to request a fair hearing within thirty (30) calendar days of receipt of the placement change notification.

What is the scheduling process for an appeal?

As with all appeals connected to the Office of Fair Hearings, the first step requires a formal request by the client (see above). Upon receipt of the request, the fair hearing will be scheduled for the client by the Fair Hearings Coordinator. Prior to the hearing, however, interested parties are invited to attend a Program Administrator's Review (PAR). This is an informal meeting where issues surrounding the placement change may be discussed with a neutral person (the Administrator or Designee). The Administrator/Designee facilitates the discussion in hopes of resolving the issues without a formal hearing but he or she is not involved with final decision-making.

What if a Program Administrator's Review does not resolve the dispute?

Federal law gives every client the right to a fair hearing in regards to CFSA decisions and/or actions. If a dispute is unresolved during the PAR, the client can move forward with the scheduled fair hearing. Both the client and the CFSA staff may present witnesses and evidence during the fair hearing. Clients may bring their own attorney; one of the Assistant General Counsels will speak for CFSA.

How is the Fair Hearing conducted?

Fair hearings for placement changes are heard as soon as possible after the request is made, but not more than forty-five (45) calendar days from the date of the request. (An expedited process can be implemented upon request). Foster parents will then have the opportunity to present their reasoning for why it is in the child's best interest to remain in the home. Representatives from the Agency must defend the placement change decision. Within five (5) business days of the hearing, the Fair Hearing Examiner will issue a decision.

What happens if the parties are adversely affected by the hearing?

If the foster parents are adversely impacted by the Fair Hearing Examiner's decision, they have the right to file an exception within ten **(10)** business days of receipt of the decision. The opposing parties then have seven **(7)** business days after receipt of the exception to respond. Please note: Agency staff may contact the Deputy Director for Program Operations or the Office of the General Counsel for any questions.

Can a request for a fair hearing be retracted? Yes.

The person requesting a fair hearing may at any time retract a request in writing. Any such retractions must be delivered to the Office of Fair Hearings, 955 L'Enfant Plaza, SW, Washington, DC 20024, Phone -- (202) 724-7100 and Fax -- (202) 727-5619.